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CAPLIN & DRYSDALE, CHARTERED
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Jeffrey A. Liesemer (admitted *pro hac vice*)
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Co-Counsel for the Official Committee of Asbestos Claimants

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:	:	Chapter 11
	:	
DURO DYNE NATIONAL CORP., <i>et al.</i> , ¹	:	Case No. 18-27963-MBK
	:	
Debtors.	:	(Jointly Administered)
	:	

**TENTH MONTHLY FEE STATEMENT OF CAPLIN & DRYSDALE, CHARTERED
FOR THE PERIOD FROM AUGUST 1, 2019, THROUGH AUGUST 31, 2019**

Caplin & Drysdale, Chartered (“**Caplin & Drysdale**” or the “**Applicant**”), counsel for the Official Committee of Asbestos Claimants (the “**Committee**”), hereby submits this tenth monthly fee statement² for the period commencing August 1, 2019, through August 31, 2019 (the “**Tenth Fee Statement**”) pursuant to the *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of this Court*, dated December 18, 2018 (Docket No. 345) (the “**Interim Compensation Order**”).

¹ The “**Debtors**” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

² Caplin & Drysdale’s first monthly fee statement was also filed as an interim fee application under the title *First Interim Fee Application of Caplin & Drysdale, Chartered for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 (Docket No. 337).

Pursuant to the Interim Compensation Order, responses to the Tenth Fee Statement, if any, are due by October 5, 2019.

Dated: September 25, 2019

By: /s/ James P. Wehner

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*Counsel to the Official Committee of Asbestos
Claimants*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

Debtor: Duro Dyne National Corp., et al.¹ Applicant: Caplin & Drysdale, Chartered
Case No.: 18-27963 (MBK) Client: Official Committee of
Asbestos Claimants
Chapter: 11 Case Filed: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION
UNDER PENALTY OF PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

RETENTION ORDER(S) ATTACHED AS EXHIBIT B

TENTH MONTHLY FEE STATEMENT² OF CAPLIN & DRYSDALE, CHARTERED
FOR THE PERIOD FROM AUGUST 1, 2019, THROUGH AUGUST 31, 2019

SECTION 1
FEE SUMMARY

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUSLY REQUESTED	<u>\$1,540,301.00</u>	<u>\$27,142.11</u>
TOTAL ALLOWED TO DATE	<u>\$979,784.50</u>	<u>\$19,772.83</u>
TOTAL RETAINER (IF APPLICABLE)	<u>\$0.00</u>	<u>\$0.00</u>
TOTAL HOLDBACK (IF APPLICABLE)	<u>\$93,923.10</u>	<u>\$0.00</u>
TOTAL RECEIVED BY APPLICANT	<u>\$1,308,061.30</u>	<u>\$24,206.71</u>
 FEE TOTALS –PAGE 2	 <u>\$90,901.00</u>	
DISBURSEMENTS TOTALS – PAGE 3	<u>\$1,725.78</u>	
TOTAL FEE APPLICATION	<u>\$92,626.78</u>	
MINUS 20% HOLDBACK	<u>\$18,180.20</u>	
AMOUNT SOUGHT AT THIS TIME	<u>\$74,446.58</u>	

¹ The “Debtors” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

² Caplin & Drysdale’s first monthly fee statement was also filed as an interim fee application under the title *First Interim Fee Application of Caplin & Drysdale, Chartered for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 (Docket No. 337).

NAME OF PROFESSIONAL & TITLE	YEAR ADMITTED	HOURS	RATE	FEES
Ann C. McMillan, Member	1984	0.1	\$840	\$84.00
Kevin C. Maclay, Member	1994	5.6	\$775	\$4,340.00
James P. Wehner, Member	1995	34.0	\$735	\$24,990.00
Jeffrey A. Liesemer, Member	1993	71.4	\$735	\$52,479.00
Cecilia Guerrero, Paralegal	N/A	27.2	\$325	\$8,840.00
Brigette A. Wolverton, Paralegal	N/A	0.6	\$280	\$168.00
TOTAL FEES		138.9		\$90,901.00
ATTORNEY BLENDED RATE			\$654.43	

**SECTION II
SUMMARY OF SERVICES**

SERVICES RENDERED	HOURS	FEE
(.01) Asset Analysis and Recovery	0.0	\$0.00
(.03) Business Operations	0.0	\$0.00
(.04) Case Administration	0.9	\$497.50
(.05) Claims Administration and Objections	0.0	\$0.00
(.07) Fee Applications-Self	4.8	\$2,257.00
(.09) Financing	0.0	\$0.00
(.10) Litigation	0.0	\$0.00
(.11) Plan and Disclosure Statement	130.8	\$86,967.00
(.12) Relief from Stay Proceedings	0.0	\$0.00
(.13) Tax Issues	0.0	\$0.00
(.15) Committee Meetings/Conferences	0.6	\$471.50
(.16) Travel Time	0.0	\$0.00
(.17) Docket Review & File Maintenance	0.0	\$0.00
(.18) Fee Applications-Others	1.8	\$708.00
(.19) Retention Applications-Others	0.0	\$0.00
(.20) Retention Applications-Self	0.0	\$0.00
(.22) Review Fee Application-Other Parties	0.0	\$0.00
SERVICE TOTALS:	138.9	\$90,901.00

**SECTION III
SUMMARY OF DISBURSEMENTS**

DISBURSEMENTS	AMOUNT
Computer Assisted Legal Research	\$1,722.62
Conference Call Charges	\$0.00
Courier & Express Carriers	\$0.00
Court Reporting	\$0.00
Fax	\$0.00
Filing Fees	\$0.00
Other Research	\$0.00
Pacer Fees	\$0.00
Postage	\$0.00
Reproduction Services - In-house	\$0.00
Reproduction Services - Outside	\$0.00
Travel	\$0.00
Other (specify): eDiscovery	\$3.16
DISBURSEMENTS TOTAL:	\$1,725.78

**SECTION IV
CASE HISTORY**

(NOTE: Items 3 - 6 are not applicable to applications under 11 U.S.C. § 506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 8, 2018, effective as of September 26, 2018 [Docket No. 258]. *See* Order attached.
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:
 - a) Caplin & Drysdale analyzed appellate issues related to the Plan, drafted and revised appellate pleadings related to the Plan, and reviewed and analyzed court decisions and pleadings;
 - b) Caplin & Drysdale spent time communicating with Committee members and preparing memoranda and other materials for Committee members;
 - c) Caplin & Drysdale prepared and filed fee applications;
 - d) Caplin & Drysdale assisted in the preparation of fee applications for other Committee professionals;

- e) Caplin & Drysdale spent time working with counsel for the other Plan proponents and internally on general case matters, and status issues, as well as organizing and maintaining the case filing system and docket review for the bankruptcy case;
 - f) Caplin & Drysdale performed other professional services as counsel for the Committee as necessary and appropriate in these chapter 11 cases.
- (5) ANTICIPATED DISTRIBUTION TO CREDITORS:
- (A) ADMINISTRATION EXPENSES: (unknown at this time)
 - (B) SECURED CREDITORS: (unknown at this time)
 - (C) PRIORITY CREDITORS: (unknown at this time)
 - (D) GENERAL UNSECURED CREDITORS: (unknown at this time)
- (6) FINAL DISPOSITION OF CASE AND PERCENTAGE OF DIVIDEND PAID TO CREDITORS (IF APPLICABLE): Final disposition of case and dividend are unknown at this time.

I certify under penalty of perjury that the above is true.

Date: September 25, 2019

/s/ James P. Wehner
Signature

EXHIBIT

A



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Official Committee of Asbestos Claimants of Duro Dyne National

September 25, 2019
Invoice #: 322449
Page: 1

RE: Duro Dyne Bankruptcy

For Professional Services Rendered Through August 31, 2019

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
.04 Case Administration & Calendar Control					
8/22/2019	JPW	Review recent filings.	0.5	\$735.00	\$367.50
8/26/2019	CG	Update electronic pleadings file and update docketing calendar.	0.2	\$325.00	\$65.00
8/30/2019	CG	Update electronic pleadings file and update docketing calendar.	0.2	\$325.00	\$65.00
Total			0.90		\$497.50
.07 Fee Applications-Self					
8/21/2019	JPW	Review monthly fee app.	0.4	\$735.00	\$294.00
8/21/2019	CG	Draft, review, and revise monthly fee application and accompanying exhibits (2.8); communications re upcoming interim fee application (.1).	2.9	\$325.00	\$942.50
8/22/2019	JPW	Review and revise monthly (0.6); review and revise interim (0.5).	1.1	\$735.00	\$808.50
8/23/2019	JPW	Review interim.	0.2	\$735.00	\$147.00
8/29/2019	CG	Communications with local counsel re monthly fee application and certificate of no objection.	0.2	\$325.00	\$65.00
Total			4.80		\$2,257.00
.11 Plan & Disclosure Statement					
8/1/2019	JAL	Review and analysis of North River's obj (1.6); telephone conference with JPW and Plan Proponents' counsel re response to North River's objection (0.3); email correspondence re same (0.1).	2.0	\$735.00	\$1,470.00
8/1/2019	JPW	Review appellate filings (0.8); teleconference Debtor, FCR counsel, JAL re briefing (0.3).	1.1	\$735.00	\$808.50

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
.11 Plan & Disclosure Statement					
8/1/2019	KCM	Review/analyze materials re POR issues and draft/revise related documents.	2.2	\$775.00	\$1,705.00
8/2/2019	JAL	Review J. Sinclair memo re accounting issue and respond to same.	0.2	\$735.00	\$147.00
8/2/2019	JPW	Emails re financial issues.	0.7	\$735.00	\$514.50
8/2/2019	BAW	Prepare materials re plan and confirmation for attorney review.	0.6	\$280.00	\$168.00
8/5/2019	JPW	Emails re appeal issues (0.7); meet with KCM re appeal issues (0.3).	1.0	\$735.00	\$735.00
8/5/2019	KCM	Review/analyze materials re appeal issues.	0.2	\$775.00	\$155.00
8/5/2019	KCM	Meet with JPW re appeal issues.	0.3	\$775.00	\$232.50
8/6/2019	JAL	Further review and analysis of North River's obj (0.8); draft and revise email re insurance-related issues (0.2); draft and revise email re preparation of confirmation hearing record (0.2).	1.2	\$735.00	\$882.00
8/6/2019	JPW	Emails re insurance issues.	0.5	\$735.00	\$367.50
8/7/2019	JAL	Analysis and planning re confirmation hearing record (1.3); telephone call with T. Freedman re same (0.1); review and analysis of materials re response to North River's obj (5.2); telephone call with JPW, K. Quinn, and E. Grim re confirmation-related insurance issues and response (0.2).	6.8	\$735.00	\$4,998.00
8/7/2019	JPW	Teleconference insurance counsel, JAL re brief (0.2); emails re insurance issue (0.3).	0.5	\$735.00	\$367.50
8/8/2019	JAL	Draft and revise email re confirmation hearing record (0.2); draft and revise Plan Proponents' response brief (8.7).	8.9	\$735.00	\$6,541.50
8/9/2019	JAL	Further drafting and revisions to response brief.	7.8	\$735.00	\$5,733.00
8/9/2019	JPW	Emails re appeal briefing.	0.3	\$735.00	\$220.50
8/9/2019	JPW	Review appeal brief drafts.	1.5	\$735.00	\$1,102.50
8/10/2019	JAL	Further drafting and revisions to response brief to North River's objections.	8.4	\$735.00	\$6,174.00
8/11/2019	JAL	Further drafting and revisions to response brief.	5.4	\$735.00	\$3,969.00
8/11/2019	JPW	Emails re appeal issues.	1.1	\$735.00	\$808.50
8/12/2019	JAL	Conference with JPW re draft response brief (0.3); telephone call with J. Prol and T. Freedman re same (0.2); further drafting and revisions to response brief (2.0); review and revise appendix of confirmation hearing record (0.9); review and revise insert to response brief (2.0); review comments re same (0.4); review draft pro hac vice application (0.2); revisions and editing to response brief (3.7).	9.7	\$735.00	\$7,129.50

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
.11 Plan & Disclosure Statement					
8/12/2019	JPW	Emails re appeal issues (0.4); meet with JAL re draft brief x2 (0.3); review materials re same (0.3).	1.0	\$735.00	\$735.00
8/12/2019	JPW	Review draft appeal brief (1.5); revise appeal brief section; research re same (4.9).	6.4	\$735.00	\$4,704.00
8/12/2019	CG	Citecheck resp ISO confirmation (8.8); review pro hacs (.8).	9.6	\$325.00	\$3,120.00
8/13/2019	JAL	Further revisions and editing to response brief (5.2); revise proposed confirmation order (2.0); revise pro hac vice application (0.4); revisions and editing to proposed insert (0.2); review appendix to response brief (0.2); draft and revise email re same (0.2); review email re proposed confirmation order (0.4); review and comment on revised appendix (0.2); revise motion to extend time to file (0.3).	9.1	\$735.00	\$6,688.50
8/13/2019	JPW	Emails re appeal brief (1.1); work on appeal brief (0.4); review pro hac forms; emails re same (0.5).	2.0	\$735.00	\$1,470.00
8/13/2019	JPW	Review and revise inserts, drafts.	3.7	\$735.00	\$2,719.50
8/13/2019	CG	Citecheck, revise and finalize resp ISO confirmation and accompanying exhibits/materials.	12.6	\$325.00	\$4,095.00
8/14/2019	JPW	Emails re appendix filing (0.5); review appendix materials (0.7).	1.2	\$735.00	\$882.00
8/15/2019	KCM	Teleconference with FCR.	0.1	\$775.00	\$77.50
8/26/2019	JAL	Confer with JPW re Debtors' motion to approve tax-related distributions.	0.1	\$735.00	\$73.50
8/26/2019	JPW	Meet with JAL re Duro Dyne shareholder motion.	0.1	\$735.00	\$73.50
8/27/2019	JAL	Review and analysis of North River's reply brief and related materials (2.4); confer with JPW re same (0.2); review and analysis of materials re same (1.7); draft and revise email re confirmation issues (0.3).	4.6	\$735.00	\$3,381.00
8/27/2019	JAL	Review and analysis of North River's objection to Debtors' motion for tax-related shareholder distributions.	0.1	\$735.00	\$73.50
8/27/2019	JPW	Review NR Reply (1.4); meet with JAL re reply (0.2); emails re reply (0.3); teleconference J. Prol re reply (0.3).	2.2	\$735.00	\$1,617.00
8/28/2019	JAL	Communications with K. Quinn re reply brief (0.4); teleconference with JPW, K. Quinn, and E. Grim re insurance-related confirmation issues (0.4); confer with JPW re same (0.4); analysis of insurance-related confirmation issues and next steps (0.4); confer with KCM and JPW re same (0.2); draft and revise motion to strike North River's reply brief (1.3).	2.9	\$735.00	\$2,131.50

SERVICES

Date	Person	Description of Services	Hours	Rate	Amount
.11 Plan & Disclosure Statement					
8/28/2019	JPW	Emails re insurance issues (1.0); teleconference insurance counsel, JAL re insurance issues (0.4); meet with JAL re same (0.4); meet with KCM and JAL (partial) re insurance issue (0.5); review NR objection (0.7).	3.0	\$735.00	\$2,205.00
8/28/2019	KCM	Meet with JPW and JAL (partial) re stay issue.	0.5	\$775.00	\$387.50
8/28/2019	KCM	Review/analyze materials re stay issue and plan/prepare next steps.	1.3	\$775.00	\$1,007.50
8/29/2019	JAL	Further drafting and revisions to motion to strike (1.9); review and analysis of financial-related confirmation issues (2.1); meet with JPW re insurance issues (0.2).	4.2	\$735.00	\$3,087.00
8/29/2019	JPW	Emails re insurance issues (0.5); meet with JAL re insurance issues (0.2); research stay issue (1.3).	2.0	\$735.00	\$1,470.00
8/30/2019	JPW	Research re stay issue (1.4); emails re stay issue (1.1); meet with KCM re status (0.2); meet with KCM re stay issue (0.3); telephone conference with E. Harron re same (0.2).	3.2	\$735.00	\$2,352.00
8/30/2019	KCM	Meet with JPW re case status and next steps.	0.2	\$775.00	\$155.00
8/30/2019	KCM	Meet with JPW re stay issue.	0.3	\$775.00	\$232.50
Total			130.80		\$86,967.00
.15 Committee Meetings/Conferences					
8/28/2019	KCM	Teleconference with Committee member re claimant issue.	0.2	\$775.00	\$155.00
8/30/2019	ACM	Exchange e-mails re memo to Committee.	0.1	\$840.00	\$84.00
8/30/2019	KCM	Review/edit memo to Committee.	0.3	\$775.00	\$232.50
Total			0.60		\$471.50
.18 Fee Applications-Others					
8/20/2019	CG	Review Charter Oak monthly.	0.6	\$325.00	\$195.00
8/23/2019	JPW	Review Charter Oak monthly.	0.3	\$735.00	\$220.50
8/27/2019	CG	Review and finalize Charter Oak interim.	0.9	\$325.00	\$292.50
Total			1.80		\$708.00
Total Professional Services			138.9		\$90,901.00

PERSON RECAP

Person	Title	Hours	Rate	Amount
JAL	Jeffrey A. Liesemer	71.4	\$735.00	\$52,479.00
KCM	Kevin C. Maclay	5.6	\$775.00	\$4,340.00
ACM	Ann C. McMillan	0.1	\$840.00	\$84.00

PERSON RECAP

Person		Title	Hours	Rate	Amount
JPW	James P. Wehner	Member	34.0	\$735.00	\$24,990.00
CG	Cecilia Guerrero	Paralegal	27.2	\$325.00	\$8,840.00
BAW	Brigette A. Wolverton	Paralegal	0.6	\$280.00	\$168.00

DISBURSEMENTS

Date	Description of Disbursements	Amount
08/09/2019	Epiq eDiscovery Solutions - June 2019 [.01]	\$1.58
08/27/2019	Epiq eDiscovery Solutions - July 2019 [.01]	\$1.58
08/31/2019	Database Research - Westlaw - JPW- Aug. 12, 30 [.01]	\$986.80
08/31/2019	Database Research - Westlaw - CG 8/13/19 [.01]	\$168.90
08/31/2019	Database Research - Westlaw - JAL- 8/27/19 [.01]	\$566.92
Total Disbursements		\$1,725.78
Total Services		\$90,901.00
Total Disbursements		\$1,725.78
Total Current Charges		\$92,626.78

EXHIBIT B



Order Filed on November 9, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
**Caption in Compliance with D.N.J. LBR
9004-1**

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*Proposed Local Counsel for the Official
Committee of Asbestos Claimants*

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

DURO DYNE NATIONAL CORP., *et al.*,

Debtors.¹

Chapter 11

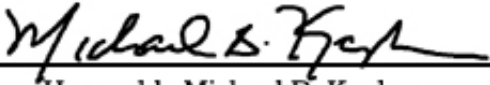
Case No. 18-27963 (MBK)

(Jointly Administered)

**[PROPOSED] ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF
CAPLIN & DRYSDALE, CHARTERED, AS THE COMMITTEE'S COUNSEL,
EFFECTIVE *NUNC PRO TUNC* AS OF SEPTEMBER 26, 2018**

The relief set forth on the following pages, numbered two (2) through and including three (3), is
hereby **ORDERED**.

DATED: November 9, 2018


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Page: 2
Debtor: Duro Dyne National Corp., *et al.*
Case No.: 18-27963 (MBK)
Caption: Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective *Nunc Pro Tunc* as of September 26, 2018

Before this Court is the *Application of the Official Committee of Asbestos Claimants for an Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective Nunc Pro Tunc as of September 26, 2018* (the “**Application**”), which was filed by the Official Committee of Asbestos Claimants (the “**Committee**”) on October 29, 2018. Based on the record herein, and after due deliberation thereon, this Court finds and concludes that (i) the law firm of Caplin & Drysdale, Chartered (“**Caplin & Drysdale**”), does not represent any entity having an interest adverse to the Committee or to the asbestos-related creditors of the Debtors’ estates in connection with the matters for which the Committee proposes to employ Caplin & Drysdale; (ii) Caplin & Drysdale is a “disinterested person” pursuant to §§ 101(14) and 328(c) of the Bankruptcy Code; (iii) proper and adequate notice of the Application has been given and no other or further notice is necessary; and (iv) the Committee’s employment and retention of Caplin & Drysdale as its counsel should be approved. Accordingly, **IT IS HEREBY ORDERED**, that:

1. The Application is granted and approved;
2. The Committee is authorized to employ and retain Caplin & Drysdale as its counsel on the terms set forth in the Application, pursuant to §§ 328 and 1103 of the Bankruptcy Code, effective *nunc pro tunc* as of September 26, 2018;
3. Caplin & Drysdale shall be compensated in accordance with the procedures set forth in §§ 330 and 331 of the Bankruptcy Code, the applicable Federal Rules of Bankruptcy Procedure, the orders and rules of this Court, and such other procedures as may be fixed by order of this Court;

Page: 3
Debtor: Duro Dyne National Corp., *et al.*
Case No.: 18-27963 (MBK)
Caption: Order Authorizing the Employment and Retention of Caplin & Drysdale, Chartered, as the Committee's Counsel, Effective *Nunc Pro Tunc* as of September 26, 2018

4. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Application or otherwise waived;

5. This Order shall be immediately effective and enforceable upon its entry; and

6. The Court shall retain jurisdiction with respect to all matters arising or related to the implementation of this order.